

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

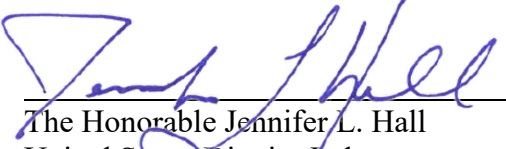
DARRYL COTTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 25-720 (JLH)
	)	
DELAWARE DEPARTMENT OF	)	
JUSTICE, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Plaintiff Darryl Cotton, housed at the Wheeler Correctional Facility in Alamo, Georgia, filed a *pro se* motion for writ of mandamus and motion to proceed *in forma pauperis*. (D.I. 1.) This case is subject to this Court’s *sua sponte* review and dismissal upon a determination that the pleading is frivolous or malicious, fails to state a claim, or seeks monetary relief from defendants who are immune from such relief. *See* 28 U.S.C. § 1915A(b). For purposes of this Order, the Court accepts the facts alleged in Plaintiff’s *pro se* pleading as true, draws all reasonable inferences in his favor, and asks only whether Plaintiff’s filing, liberally construed, contains facts sufficient to state a plausible claim. *See Shorter v. United States*, 12 F.4th 366, 374 (3d Cir. 2021).

Upon review and consideration, the Court finds that Plaintiff’s filing does not contain facts sufficient to state a plausible claim. (*See* D.I. 1.) Accordingly, Plaintiff’s filing will be DISMISSED for failure to state a claim, pursuant to 28 U.S.C. § 1915A(b)(1). Dismissal is without prejudice to filing a petition for writ of habeas corpus, should Plaintiff seek to challenge his conviction or sentence. *See Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994) (holding that, where success in a § 1983 action would imply the invalidity of a conviction or sentence, a suit for

damages or equitable relief is barred unless plaintiff can demonstrate that his conviction or sentence has been invalidated). The Clerk of Court is directed to CLOSE this case.



The Honorable Jennifer L. Hall  
United States District Judge